

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF	<b>CASE NO.</b> 09-9436
CARMEN COLON HERNANDEZ	
Debtor	Chapter 13

**DEBTOR'S AMENDMENT OF PLAN**

**TO THE HONORABLE COURT:**

NOW COMES DEBTOR through the undersigned attorney and very respectfully alleges and prays:

1. The Debtor in the above-captioned case amends PLAN to pay creditor Department of Treasury.
2. The base of plan is \$25,400.00
3. **WEREFORE** Debtors respectfully pray this Honorable Court to allow amending of PLAN with any further relief Court understands.

Date: Monday, December 28, 2009.

**/S/MIRIAM S. LOZADA RAMÍREZ**  
**ATTORNEY FOR DEBTOR**  
**296 RAMON E. BETANCES SUR SUITE5**  
**Mayagüez, Puerto Rico 00680**  
**TEL 787-834-3004**  
**miriamlozada@prtc.net**

**CERTIFICATE OF SERVICE**

I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using ECF systems which sent a notification of such filing to all those who have registered for receipt of notice by electronic mail. I further certify that I have served to the US Trustee, [ustpreregion21.hr.ecf@usdoj.gov](mailto:ustpreregion21.hr.ecf@usdoj.gov) and to standing chapter 13 trustee Jose Carrion, [ecfmail@ch13-pr.com](mailto:ecfmail@ch13-pr.com), and by depositing true and exact copies thereof in the United States mail; postage prepaid to the non CM/ECF participants, as per master address list to all parties in interest to their address of record.

In Mayaguez, Puerto Rico, Monday, December 28, 2009

**/S/MIRIAM S. LOZADA RAMIREZ, ESQ.**

**Signed affirmation: /s/ CARMEN COLON HERNANDEZ**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE: COLON HERNANDEZ, CARMEN

BK. CASE # 2:09-bk-9436

DEBTOR(S)

CHAPTER 13

## CHAPTER 13 PAYMENT PLAN

NOTICE: The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections and new claims must be filed in the same manner within twenty (20) days from its confirmation. **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim.** The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and/or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured creditor, such payments must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the account number, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the debt. See the notice of commencement of case for the filing date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.

- The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
- The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
- ☐ The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED:

☒ AMENDED PLAN DATED: December 28, 2009☒ PRE ☐ POST-CONFIRMATIONFILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED

## I. PAYMENT PLAN SCHEDULE

\$	325.00	x	1	=	325.00
\$	425.00	x	59	=	25,075.00
\$		x		=	
\$		x		=	
\$		x		=	
TOTAL =				60	25,400.00

Additional Payments:

\$ 0.00 to be paid as LUMP SUM  
within \_\_\_\_\_ with proceeds to come from  
☐ Sale of property identified as follows:

☐ Other: \_\_\_\_\_

Periodic Payments to be made other than, and in  
addition to the above.

\$ \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
To be made on: \_\_\_\_\_

PROPOSED PLAN BASE: \$ 25,400.00

## II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any  
other creditor and concurrently with the Trustee's fees,  
unless otherwise provided:

a. Rule 2016(b) Statement:	\$	3,000.00
b. Fees Paid (Pre-petition):	\$	400.00
c. R 2016 Outstanding balance:	\$	2,600.00
d. Post Petition Additional Fees:	\$	0.00
e. Total Compensation:	\$	3,000.00

Signed: /s/ COLON HERNANDEZ, CARMEN

DEBTOR

JOINT DEBTOR

## II. DISBURSEMENT SCHEDULE SEQUENCE

## A. SECURED CLAIMS

- ☐ Debtor represents that there are no secured claims.  
☒ Secured creditors will retain their liens and shall be paid as follows:

ADEQUATE PROTECTION PAYMENTS CR \_\_\_\_\_ \$ \_\_\_\_\_

☒ Trustee will pay secured ARREARS:

Cr. <u>Banco Popular de Pue Cr.</u>	Cr. _____
# <u>4804</u>	# _____
\$ <u>9,000.00</u>	\$ _____

☐ Trustee will pay IN FULL Secured Claims

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☒ Trustee will pay VALUE OF COLLATERAL

Cr. <u>Popular AUTO</u>	Cr. _____	Cr. _____
\$ <u>593.00</u>	\$ _____	\$ _____

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:  
Cr. \_\_\_\_\_ Ins Co. \_\_\_\_\_ Premium: \$ \_\_\_\_\_

(Please indicate in "Other Provisions" the insurance coverage period)

☒ Debtor SURRENDERS COLLATERAL COVERED BY PROPERTY IN MAYAGUEZ, PR 00680☒ Debtor will maintain REGULAR PAYMENTS DIRECTLY to:Banco Popular de Puerto Rico

B. PRIORITIES The Trustee will pay \$507 priorities in accordance with the law. [§1322 (a)(2)]

☒ DEPARTMENT OF TREASURY \$8,500.00C. UNSECURED PREFERRED: Plan ☐ Classifies ☒ Does not Classify Claims.☐ Class A: ☐ Co-Debtor Claims / ☐ Paid 100% / ☐ "Pay Ahead": \_\_\_\_\_☐ Class B: ☐ Other Class: \_\_\_\_\_

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$ 2,412.50)☐ Will be paid 100% plus \_\_\_\_\_ % Legal Interest. ☒ Will be paid Pro-Rata from any remaining funds

## OTHER PROVISIONS:

surrenders commercial property to BBVA in Quinto Centenario,  
Mayaguez, PR. pay vehicle Windstar 2001 through plan (amount owed  
(\$539.00), pay ahead.